

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

JEANNE LEE LEHRMANN
TX-1323126-R

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DOCKETED COMPLAINT NO.
09-037

AGREED FINAL ORDER

On this the 11 day of Dec, 2009, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Jeanne Lee Lehrmann, (Respondent). The Board makes the following findings of fact and conclusions of law and enters this Order:

In order to conclude this matter Jeanne Lee Lehrmann neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Jeanne Lee Lehrmann, is a state certified residential real estate appraiser, holds certification number TX-1323126-R, and has been certified by the Board during all times material to this complaint.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE Chapter 1103 (Vernon 2007) (the Act), the Rules of the Board, 22 TEX. ADMIN. CODE §§153, 155, 157 (West 2007) (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. On or about August 28th, 2008, the Respondent appraised real property located at 3644 Chimney Corner Drive, Waco, Texas 76708 ("the property").
4. On or about October 27th, 2008, the Complainant, Mr. Mark Liley, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained various deficiencies.
5. On or about October 31st, 2008, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2001, and TEX. OCC. CODE § 1103, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response was received.

6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:

- a. Respondent failed to comply with the record keeping provision of USPAP's Ethics Rule;
- b. Respondent failed to adequately identify and report the correct site description;
- c. Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends and her rationale for her determination of the property's highest and best use;
- d. Respondent failed to provide support for her analysis and conclusions concerning site value, cost new of improvements and accrued depreciations and failed to employ recognized methods and techniques in her cost approach analysis;
- e. Respondent did not employ recognized methods and techniques correctly in her sales comparison approach;
- f. Respondent failed to analyze the listing of the property current as of the effective date of the appraisal;
- g. Respondent did not produce a credible appraisal report due to the problems noted above; and,
- h. Respondent's report for the property contains substantial errors of omission and commission as detailed above which resulted in a misleading appraisal report for the property.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et seq.
2. Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 15 classroom-hour course in the Cost Approach;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies; and,
- d. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.
- e. Fully and timely comply with all of the provisions of this Agreed Final Order.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

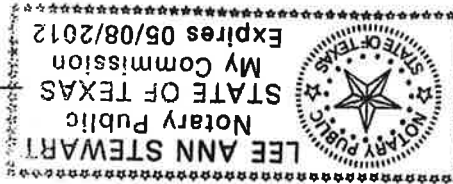
THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 24 day of November, 2009.


JEANNE LEE LEHRMANN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 24th day of November, 2009, by JEANNE LEE LEHRMANN, to certify which, witness my hand and official seal.

Lee Ann Stewart
Notary Public Signature



Lee Ann Stewart
Notary Public's Printed Name

Signed by the Commissioner this 10 day of Dec, 2009.

Douglas Oldmixon
Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 11 day of Dec, 2009.

C. P. Sayers
Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board